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DEPARTMENT OF LOCAL GOVERNMENT
(LOCAL GOVERNMENT- III BRANCH)

NOTIFICATION

The 16th October, 2017

No. 02/07/2012-5LG3(4lg3)/1085509/1.-In exercise of the powers conferred by section 71 of the Punjab Municipal Act, 1911(Punjab Act no. 3 of 1911), section 157 of the Punjab Municipal corporation Act, 1976 (Punjab Act No. 42 of 1976), and all other powers enabling him in this behalf , the Governor of Punjab is pleased to partly exempt a class of persons from the payment of certain charges levied under the Acts *ibid*, subject, however, to the following conditions, namely:-

CONDITIONS

1. The persons who had failed to deposit the house tax or property tax , as the case may be, levied under the Acts *ibid* within the time specified, may deposit the -
 - (i) principal amount in lump-sum with the rebate at the rate of ten percent of the amount being deposited within a period of three months from the date of issue of this Order as a onetime settlement ; and
 - (ii) penalty at the rate of ten percent on the said amount, within the period of next three months.
2. The persons, who still fail to deposit the due amount as above, within the period and the manner specified above, shall be liable to pay a penalty at the rate of twenty percent on the amount due alongwith interest at the rate of eighteen percent from the date it became due till the date of its realization.

No. 03/15/2007-1lg3(4lg3)/1085616/1.-Whereas the Governor of Punjab, in exercise of the powers conferred under Section 61(2) of the Punjab Municipal Act, 1911(Act 3 of 1911) is pleased to grant sanction for levy of municipal tax @ 2% on consumption, use or sale of electricity within the municipal limits in the State of Punjab.

Therefore, the State Government, by exercising its powers under Section 62(A)(1) of the Punjab Municipal Act, 1911(Act 3 of 1911) directs all the Municipal Councils and Nagar Panchayats in the State of

(2703)

Punjab to levy municipal tax @ 2% on consumption, use or sale of electricity within the municipal limits with effect from the 1st day of November, 2017.

No. 8/7/2015-5LG3/1085681/1.-In exercise of the power conferred under section 59-B of the Punjab Municipal Act, 1911 (Punjab Act 3 of 1911) and under section 172-A of the Punjab Municipal Corporation Act, 1976 (Punjab Act 42 of 1976) the Governor of Punjab is pleased to frame the Punjab Municipality (Vesting of Property Rights) Amendment Scheme 2017, as one time measure, for Vesting of proprietary rights to tenants or licensee of Municipal property, as given in the Schedule:-

SCHEDULE

"THE PUNJAB MUNICIPALITY (VESTING OF PROPRIETARY RIGHTS)

Amendment Scheme, 2017"

1. Definitions.

- (a) "Appellate Authority" means State Government.
- (b) "competent authority" means –
 - (i) in relation to the Municipal Corporation – the Assistant Commissioner or the Joint Commissioner or the Additional Commissioner of the Corporation, duly authorized by the Commissioner of the said Municipal Corporation: and
 - (ii) in relation to a Municipal Council or Nagar Panchayat – The Sub Divisional Magistrate of the Sub Division in which the said Municipal Council or Nagar Panchayat is situated.
- (c) "Director" means the Director of Local Government, Punjab;
- (d) "market value" means the minimum value of the said land prevailing on the first January of the preceding financial year as fixed by the Collector under rule 3-A of the Punjab Stamp (Dealing of Undervalued Instruments) Rules, 1983;
- (e) "occupier" –
 - (i) in relation to a dwelling unit, means a person or his sub lettee having possession on municipal property as a dwelling unit continuously for not less than twenty years from the date of publication of this Scheme having proof of electricity, water, sewerage bills or Ration Card etc. (It is clarified there need not be possession of the said person on the said dwelling unit for more than twenty years but the dwelling unit shall be more than twenty years old); and
 - (ii) in other cases, means a person having possession on municipal property continuously for not less than twenty years from the date of publication of this Scheme as a tenant or licensee or sub lettee, which includes defaulters in terms of payment of rent, lease money and expiry of rent/lease period; but shall not include a person having encroached upon municipal property in any way.

Note:

- 1) In case of dwelling unit any floor has been sub-letted then the same shall be treated as a separate unit.
 - 2) In other cases i.e e(ii) above, properties where Terms of Rent/Lease have been violated e.g by way additional floors, additional space etc, such properties will not be covered under this scheme for vesting of Proprietary Rights.
- (2) The words and expressions used in this Scheme, but not defined, shall have the same meanings as assigned to those words and expressions in the relevant Act.

2. **Area of the plot -** The area of the plot of such property shall not be more than:-

(a) In case of dwelling unit for the purpose of human habitation, whether of masonry, bricks, wood, mud, thatch, metal or any other material whatsoever –

(i) 150 square yards in respect of Municipal Corporation; and

(ii) 200 square yards in respect of Municipal Council/Nagar Panchayat and;

(b) 50 square yards in other cases in Municipal Corporations, Municipal Councils/Nagar Panchayats.

3. **Compensation to be paid to the Municipality:-** An occupier willing to opt for this scheme shall have to pay the amount to be calculated in the following manner:-

(i) in the case of Municipal Corporations:-

Size of the plot		Rate of compensation to be paid
in case of dwelling unit	in other cases	
120 sq.yd to 150 sq.yd	40 sq.yd. to 50 sq.yd.	Market value plus 25% of the market value
Less than 120 sq.yd.	Less than 40 sq yard	Market value

(ii) In the case of Municipal Councils/Nagar Panchayats:

Size of the plot		Rate of compensation to be paid
in case of dwelling unit	in other cases	
160 sq.yd to 200 sq.yd	40 sq.yd to 50 sq.yd.	Market value plus 25% of the market value
Less than 160 sq.yd.	Less than 40 sq yard	Market value

(2) Where roof rights are already with the concerned Municipality, those shall remain with such Municipality:

(3) In case of multi-storey units, in respect of dwelling units and other cases, the rates mentioned in sub-para (1) are for one single units. For separate units on first floor, second floor etc, Collectors have already fixed the market value in most of the cases. However, if such market value is not fixed, the Collectors shall fix the same.

4. **Application by the occupier to the Municipality-**

(1) An occupier, who opts for this Scheme may, submit an application to the Competent Authority concerned, in the form appended, alongwith non-refundable processing fee of one thousand rupees in the form of Bank Draft in the name of the concerned Committee or corporation, as the case may be by 31st of March 2018.

(2) On receipt of application, the Competent Authority shall consider the same and make a recommendation, either accepting or rejecting the same, after making enquiry, as it may deem necessary, within a period of one month from the date of receipt of such application:

Provided that no order rejecting the claim shall be passed by the Competent Authority without affording an opportunity of hearing to the concerned applicant.

(3) The findings of the Competent Authority i.e., the Assistant Commissioner in case of a Municipal Corporation and the SDM in case of a Municipal Council or Nagar Panchayat shall be considered and decided in the General House meeting of the Municipal Corporation or Municipal Council or Nagar Panchayat concerned as per the rules.

(4) It is made clear that the Scheme only enables the Urban Local Bodies (ULBs) to confer proprietary rights to the tenants or licensees of Municipal property as given in the schedule but no absolute right

is given to get the proprietary rights transferred from ULBs to themselves. The ULBs would be free to evaluate the economics of the proposal i.e., current rate received by a ULB and the proposed compensation to be paid to it and if the ULB finds that the conferment of proprietary right is not beneficial to it, then the proposal can always be rejected."

5. **Issue of letter of intent by the Municipality to the occupier:-** In all cases where the application given by the Occupier is accepted by the concerned Municipal Corporation or Municipal Council or Nagar Panchayat, the occupier shall, simultaneously, be issued a Letter of Intent, intimating the amount of compensation including the schedule of payments as per which the compensation shall be paid by him to the concerned Municipal Corporation/Municipal Council/Nagar Panchayat keeping in view the provisions of law.

6. **Payment of Compensation, rebate and penalty:-**

(1) The payment of compensation to the Municipality shall be in the following manner:-

- (a) one fourth of the amount within 30 days from the date of issue of letter of intent by the Competent Authority; and
- (b) balance amount in three annual equated interest free installments.

(2) In case the occupier chooses to pay the whole amount in lumpsum within 30 days from the date of issue of letter of intent, he shall be entitled to a rebate of five per cent on the whole amount.

(3) If the one fourth of the amount is not paid within thirty days from the date of issue of letter of intent, the letter of intent shall stand lapsed and the claim of the said occupier shall also stand relinquished.

(4) If the installments are not paid by due dates, interest at the rate of twelve percent per annum shall be charged on the due amount for the period of delay.

(5) All payments shall be made through bank draft drawn in favour of the concerned Committee or Corporation, as the case may be.

7. **Issue of no due certificate:-** When the whole amount is received by the Municipal Corporation/Municipal Council/Nagar Panchayat, as the case may be, the Municipal Corporation/Council/Nagar Panchayat shall issue a 'no dues certificate' intimating the same within 30 days from the date receiving the last payment."

8. **Execution of Conveyance Deed:-** The Municipal Corporation / Municipal Council /Nagar Panchayat, as the case may be, shall be duty bound to execute the conveyance deed within a period of 30 days from the date of issue of no due certificate.

9. **Appeal:-**

Any person, aggrieved with the order, made by the Municipal Corporation/Municipal Council/Nagar Panchayat, as the case may be, may file an appeal within a period of thirty days from the date of such order before the Appellate Authority i.e., the State Government, who after affording an opportunity of hearing to the parties, shall pass an order, in writing, within a period of thirty days which shall be final.

10. **Interpretations and Removal of difficulties:-** The decision of the State Government with regard to interpretations and difficulties if any shall be final.

11. **Repeal:-** The Punjab Municipality(Vesting of Proprietary Rights) Scheme, 2016 stands repealed. Pending applications which have not yet been decided shall be decided under 2017 scheme.

Chandigarh

The 16th October, 2017

SATISH CHANDRA

Additional Chief Secretary to Government of Punjab,
Department of Local Government

ਡਾਇਰੈਕਟੋਰੇਟ ਸਥਾਨਕ ਸਰਕਾਰ ਵਿਭਾਗ, ਪੰਜਾਬ

(ਮਿਊਂਸਪਲ ਚੋਣਾਂ ਦਫਤਰ)

ਪੰਜਾਬ ਮਿਊਂਸਪਲ ਭਵਨ

ਪਲਾਟ ਨੰ: 3, 3 ਫਲੋਰ, ਕਮਰਾ ਨੰਬਰ 3, ਸੈਕਟਰ 35 ਏ, ਚੰਡੀਗੜ੍ਹ।

ਈ ਮੇਲ ਪਤਾ : municipalelectionsoffice@gmail.com

ਅਧਿਸੂਚਨਾ

ਮਿਤੀ 27 ਅਕਤੂਬਰ, 2017

ਨੰਬਰ 3/23/2015/ਮਚਦ/ਚਸ/3195.- ਪੰਜਾਬ ਮਿਊਂਸਪਲ ਐਕਟ, 1911 (ਪੰਜਾਬ ਐਕਟ ਨੰਬਰ 3 ਆਫ 1911) ਦੀ ਸਬ-ਧਾਰਾ (2) ਆਫ ਧਾਰਾ 24 ਦੀਆਂ ਸ਼ਕਤੀਆਂ, ਜਿਹੜੀਆਂ ਕਿ ਸਰਕਾਰ ਵੱਲੋਂ ਅਧਿਸੂਚਨਾ ਨੰਬਰ 3/4/2003/ਮਚਦ/ਚਸ/1465, ਮਿਤੀ 25 ਜੂਨ, 2007 ਰਾਹੀਂ ਸੌਂਪੀਆਂ ਗਈਆਂ ਹਨ, ਦੀ ਵਰਤੋਂ ਕਰਦਾ ਹੋਇਆ ਮੈਂ, ਅਜੋਏ ਸ਼ਰਮਾ, ਆਈ.ਏ.ਐਸ., ਡਾਇਰੈਕਟਰ ਸਥਾਨਕ ਸਰਕਾਰ, ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ ਸ਼੍ਰੀ ਰਮੇਸ਼ ਚੰਦ, ਮੈਂਬਰ ਵਾਰਡ ਨੰਬਰ 6, ਨਗਰ ਕੌਂਸਲ, ਬੱਸੀ ਪਠਾਣਾ, ਜ਼ਿਲ੍ਹਾ ਫਤਿਹਗੜ੍ਹ ਸਾਹਿਬ ਦਾ ਨਾਂ ਬਤੌਰ ਪ੍ਰਧਾਨ ਉਕਤ ਨਗਰ ਕੌਂਸਲ ਲਈ ਅਧਿਸੂਚਿਤ ਕਰਦਾ ਹਾਂ।

ਚੰਡੀਗੜ੍ਹ

ਮਿਤੀ 27 ਅਕਤੂਬਰ, 2017

ਅਜੋਏ ਸ਼ਰਮਾ, ਆਈ.ਏ.ਐਸ.

ਡਾਇਰੈਕਟਰ ਸਥਾਨਕ ਸਰਕਾਰ, ਪੰਜਾਬ।